

**MINUTES OF TOWN COUNCIL MEETING**  
**January 4, 2024, 7:10 p.m.**  
**TOWN OF VIRGINIA CITY, MONTANA**  
**Elk's Lodge**

**Council Present:** Justin Gatewood, David Bacon, Amy Grice (via Zoom), Greg Jorczyk

**Absent:** Kacey Smart

**Staff Present:** Timber Pruett Clerk/Treasurer, Eric Barsness HPO, Shane Leach PWD

**Absent:** None

**Public Present:** Liz Mannarino of The Madisonian, Tanya Engle, Toni James, Lois Stephens, Smokey Peck (via Zoom)

**1) Call to Order:** Meeting was called to order at 7:12 pm by Justin Gatewood, Mayor

**2) Oaths of Office, Selection of Mayor, Selection of Council President**

a) Councilmember Amy Grice nominated Justin Gatewood to serve as Mayor for the Town of Virginia City.

**MOTION:** To appoint Justin Gatewood as the Mayor of the Town of Virginia City. Motion made by Amy Grice; Seconded by David Bacon. **The question was called.** Justin Gatewood abstained. The motion passed by voice vote, David Bacon, Amy Grice, and Greg Jorczyk in favor. None opposed.

b) Councilmember Amy Grice nominated David Bacon to serve as Council President for the Town of Virginia City.

**MOTION:** To appoint David Bacon as the Council President of the Town of Virginia City. Motion made by Amy Grice; Seconded by Greg Jorczyk. **The question was called.** David Bacon abstained. The motion passed by voice vote, Justin Gatewood, Amy Grice, and Greg Jorczyk in favor. None opposed.

c) Justin Gatewood, David Bacon, and Greg Jorczyk were sworn into their positions.

**3) Mayor and Commissioner's Reports/Comments:**

a) Councilmember Amy Grice voiced concerns regarding the repairs/maintenance that was done to the front of the Hangman's Building, noting that it looks very new in comparison to its surroundings. Councilmember Grice suggested that a conversation should take place between the Town and the owners of the buildings on Main Street to discuss expectations for when these buildings need maintenance to the exterior, to avoid unanticipated visual impact.

b) Mayor Gatewood complimented the business owners and members of the community for their effort and work in regards to the Christmas Stroll. It was a successful event.

c) Mayor Gatewood updated the public on the Town's recent property acquisition, noting that a cashier's check was sent to the Foundation of Montana History. Mayor Gatewood thanked the Virginia City Preservation Alliance, VICE, the Virginia City Vigilance Club, and the Virginia City Chamber of Commerce for their collaboration in this effort.

#### **4) Public Comments**

a) Tanya Engle mentioned that Brunch & Bingo at the Elk's Lodge will begin this Sunday, with Brunch from 10-11AM and bingo from 11AM-12Pm.

#### **5) Clerks Report:**

Clerk Timber Pruett has finished and submitted the Annual Financial Report, and is now preparing for the upcoming audit.

#### **6) HPO/HPAC Report:**

HPO Barsness reported that he has been working further on the Design Review Guidelines, using an AI program to detect differences between the newly drafted guidelines and the existing regulations within the Town Code.

#### **7) New Business:**

a) Development Permit Application – Toni James (Door)

**MOTION:** To approve Development Permit Application for Toni James (Door). Motion made by Justin Gatewood; Seconded by David Bacon. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Greg Jorczyk, and Amy Grice in favor. None opposed.

b) Development Permit Application – Toni James (Windows)

**MOTION:** To approve Development Permit Application for Toni James (Windows). Motion made by Dave Bacon; Seconded by Greg Jorczyk. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Greg Jorczyk, and Amy Grice in favor. None opposed.

c) Dick Lohrke – Encroachment and Hold Harmless

i) Dick Lohrke requested an encroachment in 2003, allowing part of his garage roof to hang over the Town's alley. The Council at the time approved the encroachment and the accompanying hold harmless agreement with the caveat that Dick Lohrke would add the Town as additionally insured on his home insurance policy in the amount of \$300,000. No encroachment or hold harmless, before or since, has had a provision of this sort. Dick Lohrke recently sold the house and requested the additional insurance requirement be dropped for the new owners.

ii) Mayor Gatewood proposed that the sale of the home nullifies the existing encroachment and hold harmless, and suggested that the new owners should apply for their own encroachment and hold harmless agreements.

**d) Task Order Number 4 – Great West Engineering – Controlled Groundwater Protection Area Petition**

i) The Town of Virginia City is constantly searching for ways to protect our source water. The Hydrology Report prepared by Andy Bobst showed just how vulnerable the Town's spring water source is to development. One way to protect this water source is by working with the Department of Natural Resources and Conservation to get the Source Water Protection Area protected under one of the DNRC's protection laws. To do that, Great West Engineering must review all reports and approve the findings. This task order will result in the completion of the application to be sent to the DNRC.

**MOTION: To approve Task Order Number 4 – Great West Engineering.** Motion made by Dave Bacon; Seconded by Greg Jorczyk. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Greg Jorczyk, and Amy Grice in favor. None opposed.

**e) Update on East Side Walking Trail**

i) Councilmember Greg Jorczyk presented the Council with a packet that depicted a trail in Virginia City that stretches from the Rambling Moose Campground to East Idaho Street. Councilmember Jorczyk suggested talking with the Montana Heritage Commission to see about maintaining/improving the trail. Councilmember Jorczyk hopes to speak to Elijah Allen, Executive Director of the Montana Heritage Commission, before the next Town Council meeting in February.

**f) Update on ARPA Water Project**

i) A site visit was performed by the DNRC, the funding agency for the ARPA funds. As the Town was one of the first municipalities to complete an ARPA project, we were somewhat of a guinea pig for how the process will go. Present were two representatives from the DNRC, two representatives for Great West Engineering, Mayor Gatewood, PWD Shane Leach, project manager Roger Williams, and Clerk/Treasurer Timber Pruett. A tour of the site was given, as well as information regarding our record keeping for the project. The site visit was a success.

**8) Public Works Report:**

PWD Shane Leach resolved the clog in the sewer that was ongoing. While he initially thought there was a hole in the pipe, it was found that the problem was actually bits of concrete in the pipe. PWD Leach also fixed the skidsteer, which had a broken heater and loose wiring.

**9) Consent Agenda:**

**a) Minutes from December 7, 2023**

**i) Changes to be made:**

- Agenda Item 6b and 6c: specify that they are at the Pace Park Storage Shed
- Agenda Item 6e: Change Elk's Lodge to Elk's Lodges
- Agenda Item 6f: the ARPA project was discussed in Public Comments

**MOTION: To approve the Minutes from December 7, 2023 as amended.** Motion made by Amy Grice; Seconded by David Bacon. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, and Greg Jorczyk in favor. None opposed.

b) Invoices and Checks December 2023

**MOTION:** To approve the Invoices and Checks for December 2023. Motion made by Dave Bacon; Seconded by Amy Grice. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, and Greg Jorczyk in favor. None opposed.

c) Accounts Payable, Receivable, Adjustments, and Electronic Checks December 2023

**MOTION:** To approve the Accounts Payable, Receivable, Adjustments, and Electronic Checks December 2023. Motion made by David Bacon; Seconded by Justin Gatewood. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, Greg Jorczyk, and Kacey Smart in favor. None opposed.

d) Bank Reconciliation for November 2023

**MOTION:** To approve the Bank Reconciliation for November 2023. Motion made by David Bacon; Seconded by Justin Gatewood. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, and Greg Jorczyk in favor. None opposed.

e) Great West Draw

**MOTION:** To approve the Great West Draw as presented. Motion made by Justin Gatewood; Seconded by David Bacon. **The question was called.** The motion passed by voice vote, Justin Gatewood, David Bacon, Amy Grice, and Greg Jorczyk in favor. None opposed.

10) Public Comment:

a) None.

12) Adjournment

**MOTION:** To Adjourn. Motion made by David Bacon; Seconded by Amy Grice. **The question was called:** Motion was passed by voice vote, all in favor. None opposed.

**ADJOURNMENT:**

Meeting adjourned at 8:40 pm.

Respectfully submitted and attested,

**Justin Gatewood**  
Mayor

**Timber Pruett**  
Clerk Treasurer